



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
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February 26, 2009 Meeting Minutes

- **Present at the meeting:**

Patricia Buckley (PMB), Chairman
Glenn C. Wojcik (GCW), Vice Chairman
Stephen Bartha (SB), Secretary
David Brown (DB)
Brian J. Sutherland (BJS)
John Sexton (JS), Associate Member

Other officials:

Stacey J. Wetstein (SJW), Town Planner
Amy Cook (AC), Commission on Disabilities
Amy Sault (AS), Coordinator

PMB opens the meeting at 7:00pm.

New Business

Stall Brook Business Park Lot 1 (Bellingham Farm, LLC), 187 Farm Street, Development Plan Review 1st Public Hearing Water Resource District Special Permit, Continued Public Hearing; Decision Deadline: 4/10/09

AND

Stall Brook Business Park Lot 2 (R.C. & D, Inc.), 187 Farm Street, Development Plan Review, Continued Public Hearing; Decision Deadline: 4/10/09

Mr. Halsing, Mike Rose owner of RC&D Lot 2 and Dave Dunham of Bellingham Farm, LLC, owner of Lot 1.

SB: Motion to waive the reading of the public notice.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Mr. Halsing advised that they were scheduled for a Con Com hearing on January 28th but was cancelled due to snow and they finally met with them last night on the 25th. Con Com came up with two issues: the first was the river front area, Lot 1 has more than the 10% it is allowed, Con Com wanted them to do this. The second issue has to

do with lot area in Bellingham which says you need to subtract out any area subject to protection in the riverfront area. Mr. Halsing through research found out that the definition of land in our current Zoning Bylaws was adopted at Town Meeting in March of 1988 and the River's Protection Act came into effect in 1996. The Con Com's discussion was should the riverfront area be taken away from the wetland area. Mr. Halsing advised that the Con Com indicated no other issues other than that.

Mr. Halsing advised that the Con Com said that the two issues would go away if they make it one lot. The Con Com advised that if they come back before them with the one lot they indicated that they would have no other major issues and would most likely close the public hearing at the next meeting. During last night's meeting (February 25th) with the Con Com there was not a quorum to be able to take a vote. Mr. Halsing advised that after last night's meeting, Mr. Rose, RC&D offered to buy Mr. Dunham, Bellingham Farm out to make it the one lot.

SJW advised that this is a project change going from two buildings on two lots to two buildings on one lot. Mr. Halsing advised that most of it will stay the same except for the change in the lot line.

Mike Rose advised that this has been going on for so long and that he has several building supplies on hold and a loan with the bank. Mr. Rose pleaded with the Board and to approve the project so he can move forward on his loan, materials and his people.

PMB advised that the Board cannot move forward with the project until the Con Com approves it. BJS advised that the Board has done conditional approvals in the past. Mr. Rose asked if the Board can put contingencies on the approval for Con Com's approval. SJW advised that we cannot conditionally approve projects because there will be major changes with owners and withdrawing applications.

BJS advised that the Board has heard this before the last time when it was withdrawn without prejudice. Mr. Rose advised that when they split the lots it was more beneficial to him cost wise, however, now with the Con Com's decision for them to have it one lot he had to buy the 1st lot to be able to have the two buildings. SJW advised that regardless of Mr. Halsing's comments and Graves' the Con Com says it will only work with one lot. SJW advised that the Con Com is telling them to make it one lot not the Board and she has not seen their response to Graves' comments until Tuesday.

Mr. Halsing advised that per Graves' comments which is relative to that 90% they reviewed that all the plans relative to both Zoning and Subdivisions they did not come up with that situation. SJW did not see that Mr. Halsing had given them the calculations. Mr. Halsing did not have calculations to give to Graves but they normally would review a plan in full. SJW received an email today from Jay Talerman, Town

Council, that says riverfronts counts because they are not considered a buffer in the wetlands, they are considered in resource areas in the Wetlands Act.

SJW advised there will be a whole new set of parameters. Mr. Rose asked what the different sets of parameters are. BJS advised that there are two sets of properties combined with public hearings and it can not just be changed in the middle of the project that easily. BJS is not sure how the Con Com process works however the Board cannot ignore the process they started and find a way to make it work.

Mr. Dunham asked if they could close Lot 2 and continue. SJW advised they would need a new 81P and a basic letter from Stewart LeClaire, Building Inspector, and would need to withdraw Lot 1 without prejudice, amend Lot 2 and would need a new set of plans submitted showing the correct lines. SJW advised that they would need to evaluate if the new parcel would require a Special Permit for the wetlands. Mr. Halsing advised that the new plan is only 12.3% impervious surface so that they would not need a new Special Permit.

Mr. Halsing advised that the next Con Com meeting is on March 11th, the day before the Planning Board Meeting. SJW advised the Board would need documentation of the sale of Lot 1. BJS advised that they have everything they need so they should have plenty of time to work out any issues. SJW advised that they would need a formal letter requesting the withdrawal without prejudice, a modified set of drawings including everything that is supposed to be on them, and she would also need a letter stating the impervious surface change to prove that they would not need a Special Permit.

BJS advised that there is a chance that he may not be at the March 12th meeting and if there is a Special Permit required the alternate JS has been to all the meetings and will be allowed to vote if necessary.

BJS: Motion to continue the public hearing for Stall Brook Business Park Lot 1 (Bellingham Farm, LLC), 187 Farm Street, Development Plan Review until March 12, 2009 at 7:30pm.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

BJS: Motion to continue the public hearing for Stall Brook Business Park Lot 1 (Bellingham Farm, LLC), 187 Farm Street, Water Resource District Special Permit until March 12, 2009 at 7:30pm.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

BJS: Motion to continue the public hearing for Stall Brook Business Park Lot 2 (RC&D), 187 Farm Street, Development Plan Review until March 12, 2009 at 7:30pm.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Old Business

BJS: Motion to accept the Planning Board minutes of February 12, 2009.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

BJS: Motion to accept the Planning Board Executive minutes of February 12, 2009 as amended.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

DB: Motion to sign the vouchers.

GCW: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Planners Report

LIG

SJW advised that she went to a meeting for LIG at Mass Highway in District 3. Mass Highway is going to make them do some form of designing construction at Rt. 140 and Maple Street, they can't do a lot on the south side of Maple Street because of right of way issues and they can't do a lot on the Ed Moore side either. However, Mass Highway will make them do something and the Board will have to work with them in acquiring some right of way on the Garelick Farms side. BJS advised there is no development in the right of way that would change anything. SJW advises that the Town does not own the land.

High Ridge

SJW handed out a letter from Bowditch & Dewey, attorneys for Middlesex Savings Bank, and an email from Don DiMartino. SJW advised that during the meeting in August, the bank said the money would be released to the DPW to do the work. SJW then had a meeting with Mr. Talerma, the bank and Don DiMartino in November which concluded that Mr. Jones would finish the work and he would have to write up a work plan, he never did. Then the bank looked into hiring another developer to finish the project but Mr. Jones did not want that. SJW advised that the bank is now saying they want to be invoiced monthly for the Town doing the work. The Board discussed that the bank does not have the right to hold the money and they should have the money released to the Town (DPW) so we can finish the work.

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PMB advised that this is going to get tied up in court and if it does it can take a lot of time. BJS stated that the project just needs to get finished. JS advised that the last thing Mr. Jones did was the water main and it took him a while to do that. The Board agreed to give Mr. Jones the list of work that needs to get done and will give him a definite final deadline to do the work. JS questioned if Mr. Jones doing the work is even valid because is not sure if he even has a permit. SJW advised she will speak with Mr. Talerman and he will draft a letter on his letterhead to Mr. Jones defining the deadline.

SJW advised that Mark Lavoie is no longer with WS Development.

SJW advised that the Master Plan subcommittees have been formed and have been meeting regularly and moving along.

DB: Motion to adjourn.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Minutes Accepted on: 3/26/2009

(date)

(prepared by: Amy Sault)

Stephen Bartha

Stephen Bartha

Brian J. Sutherland

Brian J. Sutherland

David Brown

David Brown

Glenn Wojcik

Glenn Wojcik

Patricia M. Buckley

Patricia M. Buckley